

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-757

December 4, 2003

CENTRAL MAINE POWER COMPANY
Request for Approval of a Special Rate
Contract with Wal-Mart Stores East

ORDER APPROVING
AGREEMENTS

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

SUMMARY OF DECISION

By this Order, the Commission approves Central Maine Power Company's (CMP's) proposed Customer Service Agreement and Facilities Construction Agreement (collectively, the "Agreements") with Wal-Mart Stores East, LP (Wal-Mart).

DISCUSSION AND DECISION

On October 15, 2003, CMP filed with this Commission the proposed Agreements with Wal-Mart. Technical Conferences were held in this proceeding on October 31, 2003 and November 10, 2003. Under the Agreements, CMP would be obligated to design and construct (at no cost to Wal-Mart) all facilities necessary to provide electric service to Wal-Mart's new distribution facility to be located in Lewiston, Maine and Wal-Mart would be obligated take service at the retail rate for a period of 3-years, beginning on the date that service to the new facility is energized.

Although CMP filed these Agreements under its pricing flexibility program pursuant to Attachment 6 of the ARP 2000,¹ it is not clear that these Agreements fall within the purview of the pricing flexibility provided therein. Attachment 6 provides automatic approval, under certain conditions, for contracts with rates that deviate from those provided in CMP's rate schedules for distribution service. However, the Agreements in this proceeding deviate from the provisions of CMP's terms and conditions for line extensions. The Presiding Officer in this proceeding concluded that such Agreements are not

¹ ARP 2000 was approved by Commission Order Approving Stipulation dated November 16, 2000 in Docket No. 99-666. Under Attachment 6 of the ARP 2000, contracts with terms no more than one year beyond the term of the ARP; that are not anti-competitive or unduly discriminatory; that provide annual, usage-sensitive revenues in excess of annual, usage-sensitive marginal costs; and that provide total revenues in excess of the Company's total marginal cost floors plus an adder over the term of the contract, go into effect automatically 30 days after they are filed.

addressed by Attachment 6 and, therefore, require Commission review and approval in order to become effective.²

We have reviewed the Agreements and find that they do not present significant risk to CMP's other customers.³ Therefore, we will allow the Agreements to go into effect.

Accordingly, we

O R D E R

That the proposed Customer Service Agreement and Facilities Construction Agreement filed by Central Maine Power Company on October 15, 2003, are hereby approved and may become effective as of the date of this Order.

Dated at Augusta, Maine, this 4th day of December, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Diamond
Reishus

² While CMP disagreed with the Presiding Officer that the Agreements are outside the scope of Attachment 6, it agreed that the issue is moot given the timelines with which the Commission was able to act on the Agreements. Therefore, it is unnecessary to consider the issue at this time.

³ We note that in Docket No. 2002-491, MAINE PUBLIC UTILITIES COMMISSION INVESTIGATION OF CENTRAL MAINE POWER COMPANY'S LINE EXTENSION POLICY FOR POLYPHASE SERVICE, the Commission is considering whether there should be broad changes to CMP's terms and conditions regarding line extension and substation costs for poly-phase customers.

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.